

Region 1 Weekly Report

6/15/17

Hot Issues

Region 1/VT DEC leadership meeting

- The leadership teams from Region 1 and VT DEC will meet in Vermont on June 15 to continue our coordination on major issues in the state.
- Topics include implementation of the Lake Champlain phosphorus TMDL, rural drinking water challenges, integrated permitting, and US/Canadian border issues.

Upcoming Public Events

June 16 – Region 1’s Acting Deputy Regional Administrator will provide an “EPA Update” at a June 16, 2017 meeting of the **CT Business & Industry Association**.

June 28 – Region 1 will host its **21st annual compliance assurance planning meeting** with New England states at EPA’s Boston office.

- A particular focus of this meeting will be innovations in data and advanced monitoring tools.
- Presentations will include development of an integrated system by Massachusetts to manage environmental data, as well as the use of data by states and EPA to identify programmatic efficiencies, for inspection targeting, and to keep the public informed about progress on key environmental and public health indicators.
- The meeting also will include break-out sessions in media programs to discuss coordination and collaboration opportunities and to share best practices, expertise and approaches.

Upcoming Major Decisions

None this week.

Last Week Highlights

Consent Agreement and Final Order (CAFO) resolves CAA violations

- Region 1 and Kimball Sand Company, Inc. (Kimball Sand) entered into a CAFO to resolve Clean Air Act violations at Kimball Sand’s two facilities in Blackstone and Northborough, Massachusetts.
- Kimball Sand failed to conduct required emissions testing and submit required notifications in violation of the New Source Performance Standards for Nonmetallic Mineral Processing Plants. Kimball Sand also operated three stationary diesel engines without complying with notification, testing, and pollution control requirements in the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (“RICE NESHAP”).
- In the CAFO, filed on May 30, 2017, Kimball Sand certifies that it is in regulatory compliance with the provisions cited above and agrees to pay a total penalty of \$120,000.
- Neither the Nonmetallic Mineral Processing Plants NSPS nor the RICE NESHAP have been delegated to the Commonwealth of Massachusetts for non-Title V facilities such as these. MassDEP supports this settlement.

Administrative Compliance Order (Order) addresses CAA 112(r) violations

- Region 1 issued an Order to address violations of Section 112(r) of the Clean Air Act at JP Lillis Enterprises, Inc., dba Cape Cod Ice (CCI), at CCI’s facility in East Providence, Rhode Island.

- CCI operates a cold storage warehouse and ice manufacturing facility that uses ammonia, a highly toxic and corrosive chemical, as a refrigerant.
- EPA conducted an inspection of the facility that revealed numerous dangerous conditions relating to the ammonia refrigeration system, including significant corrosion and deterioration of ammonia piping, equipment, and support structures.
- The June 14 Order requires CCI to develop, submit, and implement a plan for addressing these issues.
- EPA has coordinated closely with state and local partners on this matter.
- Clean Air Act Section 112(r) is not delegated to the state.

GE-Housatonic Site/Rest of River EAB oral argument

- On June 8, Region 1 presented oral argument before the EPA Environmental Appeals Board regarding the RCRA Permit Modification for the “Rest of River” portion of the GE-Pittsfield/Housatonic River Site.
- The argument included four parties challenging aspects of EPA’s decision (General Electric Company, Housatonic River Initiative, C. Jeffrey Cook, and a combined petition from five Berkshire County towns). Also presenting were the States of Massachusetts and Connecticut, and three amicus parties.
- In reviewing the Region’s selected remedy, the Board heard arguments about the law governing its review, the extent of the Region’s selected cleanup, and the Region’s determinations on disposal and treatment of PCBs.
- The next step is for the parties to each provide the Board by June 19th with citations to documents inquired about by the Board.

Region 2 Weekly Report to Administrator

June 15, 2017

Upcoming Hot Issues and Important Deadlines

Draft 2017 Safe Drinking Water Act Filtration Avoidance Determination for New York City Drinking Water. The New York State Department of Health (DOH) has sent the Draft 2017 Filtration Avoidance Determination (FAD) for New York City's drinking water supply to the state Department of Environmental Conservation for final review, and hopes to release it for public comment in the coming week. Region 2 has been working closely with DOH, NYC and local stakeholders on the development of this plan, and believes it meets the requirements of the Safe Drinking Water Act.

Clean Water Act Section 303(d) "Impaired Waters" List for New York State. Region 2 is awaiting clearance from the Office of Water to proceed with sending a letter to New York State's Department of Environmental Conservation (DEC) partially approving and partially disapproving DEC's 2016 Clean Water Act Section 303(d) list of "impaired waters" (waters that do not meet water quality standards). The Region proposes to approve the 792 impaired waterbody/ pollutant combinations proposed by the state, and to add 71 additional waterbody/pollutant combinations where data shows that water quality standards have not been attained.

Pace Environmental Litigation Clinic Notice of Intent to Sue re NY Water Quality Criteria: Region 2, together with representatives of OW, OGC, and the NYS Department of Environmental Conservation, is in discussions with the Pace Environmental Litigation Clinic to attempt to resolve the issues raised by Pace's April 2017 Notice of Intent to Sue EPA for alleged failure to carry out a nondiscretionary duty to approve or disapprove New York State's revised water quality criteria.

Upcoming Major Public Events

Lake Champlain Event. On Monday, June 19, 2017 Region 2 Acting RA Catherine McCabe will join Region 1 Acting RA Deb Szaro, the Governor of Vermont, the Agricultural Commissioner of New York State, and representatives of the Canadian province of Quebec at an event in Crown Point, NY to announce the release of the latest "Opportunities for Action" management plan for the Lake Champlain Basin.

Past Week Accomplishments

Morgan Materials facility, Tonawanda, NY: On June 13 Region 2 representatives accompanied local reporters on a tour of the Morgan Materials facility, where EPA is continuing a response action to remove a threat to public health and the environment caused by improper storage of chemicals at this facility.

Meeting with Puerto Rico Legislators re Drinking Water in Puerto Rico. Region 2's Caribbean Environmental Protection Division met with Puerto Rico Representatives Luis Raul Torres and Juan Oscar Morales (PR House of Representatives Health Commission) in response to concerns raised by a recently published Natural Resources Defense Council (NRDC) report that cited Puerto Rico as having the worst drinking water in all of the United States.

Region 3 Weekly Report to the Administrator

June 15, 2017

Hot Issues

Media to Focus on Lead in Philadelphia

The Philadelphia Inquirer is expected to run an article or a series of articles beginning sometime next week (June 18-24) that focuses on the legacy of lead smelter sites in Philadelphia and the dangers of lead in residential soil. Three reporters led by Pulitzer Prize winner Barbara Laker conducted a background interview with a R3 OSC in January regarding the issue. The reporters also attended community and public meetings in the neighborhoods where he was collecting soil samples. The articles are expected to focus on historical sites and on results from a new round of soil samples taken by the newspaper. The newspaper used grant funding to conduct its own soil sampling.

Freedom Industries FOIA

Region 3 has approximately 13,000 documents ready for release in response to a FOIA request from more than 20 requesters seeking information on EPA's involvement in the Freedom Industries spill of methylcyclohexanemethanol (MCHM). The requesters include the Associated Press, Wall Street Journal, Charleston (WV) Gazette, as well as attorneys and litigation consultants. The responsive documents include information on the safe levels of MCHM in drinking water and air, the flushing of tap water and government communication efforts. Region 3 has shared approximately 70 of the most sensitive responsive documents with OPA for review prior to our release. Background: On January 9, 2014, approximately 10,000 gallons of MCHM leaked from an above ground storage tank at Freedom Industries in Charleston, WV and spilled into the Elk River, shutting down the water supply for 300,000 people. West Virginia had the lead for the response and EPA provided support on the cleanup and on health issues.

PFAS sampling recommended at Dover Air Force Base, Delaware

Region 3 has completed its review of the Site Inspection Report of Fire Fighting Foam Usage at Dover Air Force Base. Results show that all 11 areas identified as potentially being impacted by AFFF have Health Advisory Limit exceedances for PFOA/PFOS. Region 3 and the Delaware Department of Natural Resources and Environmental Control (DNREC) recommended further

delineation be performed. Three of the 11 areas could potentially impact nearby residential drinking water wells. DNREC has recommended that the Air Force sample all offsite unconfined potable wells within 1/2 mile of the perimeter of DAFB. Dover Air Force Base provides global airlift capabilities, including transport of cargo, troops, equipment and relief supplies. PFAS were released on base from Aqueous Film Forming Foam used for firefighting and training.

State Partnership on Approaching Water Quality Issues Holistically

Acting RA Rodrigues reached out to PADEP Secretary McDonnell on Wednesday, June 13, 2017 regarding the Agency's concerns involving Pittsburgh's drinking water and wastewater problems. The City of Pittsburgh has been in the news the past six months as water lines continue to break, the replacement of lead lines is problematic, and there are continued concerns associated with both combined and sanitary sewer overflows. Acting RA Rodrigues suggested both agencies meet at a higher level to determine how each agency can provide financial or technical assistance to the city in a more holistic fashion that would be more efficient and economically feasible than the approach currently being taken by the city due to lack of funding and resources.

Last Week Highlights

Animal Agriculture Discussion Group Ag Education Project Launched

As part of EPA's efforts with the Animal Agriculture Discussion Group to protect water quality through voluntary collaborations with the animal agriculture sector, EPA launched the Animal Agriculture Education Project on June 7. The project is a series of educational modules (videos, virtual farm tours, and web content) to increase understanding of animal agriculture and water quality protection. The project was developed with funding from EPA and with input from animal agriculture stakeholders. Additional modules are being funded by the U.S. Department of Agriculture on conservation practices, and the National Cattlemen's Beef Association on beef production and manure management systems. Kelly Shenk will work with her fellow Ag Advisors to hold webinars with EPA agriculture staff to view the materials. Link:

<https://extension.org/73649>

West Virginia TMDL Memorandum of Agreement

On June 13, 2017, EPA and WVDEP entered into a Memorandum of Agreement (MOA) in which WVDEP acknowledged its responsibility to establish TMDLs for biologically impaired waters and agreed to a schedule to establish by no later than June 30, 2026 TMDLs for 467 of the 573 waters at issue in the WV TMDL litigation. Also on June 13, 2017, EPA complied with the district court's order by approving or conditionally approving the "constructive submission" of "no" TMDLs for 573 biologically impaired waters.

- Based on the MOA, EPA conditionally approved WVDEP's "constructive submission" as to those 467 waters. In the event WVDEP does not submit TMDLs in accordance with the MOA schedule, EPA's conditional approval converts automatically by operation of the MOA and without further administrative process to a disapproval of the "constructive submission" of "no" TMDLs for those waterbodies for which TMDLs are not submitted by the date specified in the MOA schedule.
- EPA also approved WVDEP's "constructive submission" for the remaining 106 waters because those waters are either no longer identified as biologically impaired on WVDEP's Section 303(d) list (6 waters) or TMDLs have been submitted and approved that address the causes of biological impairment in the waters (100 waters).

EPA's opening brief is due to the Fourth Circuit Court of Appeals on July 17, 2017.

Upcoming Public Events

Region 3 does not have anything to highlight this week.

Region 4 Weekend Report

6/15/17

Hot Issues

Chemical Release to Cape Fear River (Chemours Facility; Wilmington, North Carolina)

ENFORCEMENT CONFIDENTIAL

Key Message: Two chemicals manufactured using the GenX process, and used to produce products such as Teflon™, have been found in the Cape Fear River, which is the source for the Wilmington, NC, drinking water system. The chemicals are not regulated under the Safe Drinking Water Act (SDWA) but are subject to the requirements of the Toxics Substances Control Act (TSCA). The Office of Chemical Safety and Pollution Prevention (OCSPP) has had an order in place since 2009 under TSCA which allows the use of GenX chemicals in manufacturing. The Order requires the following: (1) additional toxicological risk information/studies be submitted to OCSPP, (2) limitations on the release of these chemicals into the environment, and (3) worker safety measures such as personal protective equipment for all facilities manufacturing or processing the chemicals (there are currently only two such known facilities – one in NC, the other in WV).

- Citizens and members of Congress are concerned about human exposure to these chemicals through drinking water.
- The Office of Enforcement and Compliance Assurance (OECA) and OCSPP have asked Region 4 to conduct a compliance inspection for that portion of the TSCA Order related to releases of chemicals into the environment. The inspection consists of document, data and record review, does not require facility access, and will be performed at the Region 4 office. OECA is taking lead for the on-site compliance review for the portion of the TSCA Order related to worker safety.
- Region 4 and HQ are coordinating on communications including response to Congressional, press, state and community questions and concerns.

Monitoring and Assessment – 303(D) List/305(B) Integrated Report Review

Key Message: On May 25, 2016, South Carolina Department of Health and Environmental Control (SCDHEC or Department) submitted its 2016 Section 303(d) list to the Environmental Protection Agency for review. The list was amended and resubmitted on August 24, 2016, and March 1, 2017, to remove waters that were listed in error.

- After reviewing South Carolina's submittal, the EPA is proposing to approve the State's Section 303(d) list. A document summarizing the EPA's review and the basis for the Agency's decision has been prepared and is internally available.
- In 2016, fifty-five (55) sites were removed from the 2014 303(d) list based on standard attainment or errors in listing. The State added ninety-three (93) sites to the list based on data which indicates that standards are not being met.
- **Region 4 plans to approve of the list within a week** pending HQ comment on the action.

Upcoming Public Events

None

Upcoming Major Decisions

None

Last Week Highlights

None

Region 5's weekly update:

HOT ISSUES:

Michigan's Attorney General Bill Schuette has Brought Indictments Against Six Individuals in Relation the 2016 Legionnaires' Outbreak in Flint, Michigan

Key Message: There has been considerable press coverage, some of which can be found [here](#).

Nick Lyon, Director of Michigan Department of Health and Human Services, was accused of misconduct in office and involuntary manslaughter. Lyon, as well as the former Flint Emergency Manager Darnell Earley, former Michigan Department of Environmental Quality Drinking Water Chief Liane Shekter-Smith, state Water Supervisor Stephen Busch and former Flint Water Department Manager Howard Croft are accused of failing to alert the public about an outbreak of Legionnaires' disease in the Flint area. In addition, the state's chief medical officer, Dr. Eden Wells, was charged with obstruction of justice and lying to a police officer.

Residential Soil Cleanup to Resume at the Jacobsville Soil Contamination Site in Evansville, Indiana the week of June 19, 2017

Key Message: Region 5 continues the successful cleanup of arsenic and lead contamination at Jacobsville.

The cleanup of residential properties at the Jacobsville Soil Contamination site is scheduled to resume the week of June 19, 2017. This is a continuation of a cleanup that began in 2007 to remove arsenic and lead contaminated soil from residential yards. Workers will remove contaminated dirt in residential yards where arsenic and lead is greater than 30 and 400 parts per million, respectively. The soil will be disposed of at a permitted disposal facility. The residential yards will then be filled with clean soil and restored to their original condition.

Three hundred properties are targeted for clean up this summer and fall. In addition to the current EPA contractor mobilizing June 19th, a site-specific small business HUBZone contractor has been acquired to clean up 50 homes, and will mobilize in late August.

To date, over 2,000 residential properties and recreational areas have been cleaned up under the Superfund Program. EPA has been working closely with the city of Evansville and local non-profit and community groups to expedite clean up and facilitate revitalization of Evansville neighborhoods affected by the contamination. The cleanup has been well received by the local community. EPA anticipates five more

years of cleanup at the site, depending on the availability of funding to address an estimated 2,000 more properties.

Areas of the Upper Midwest Experienced This Summer's First Multi-Day Ozone Episode

Key Message: The past week's hot temperatures contributed to enhanced ozone formation, primarily in areas along Lake Michigan's shoreline.

Several monitoring sites' daily maximum 8-hour average ozone concentrations were in the upper 70 ppb to lower 80 ppb range. In some cases, the concentrations exceeded both the 2015 as well as the 2008 standards. After being validated by the states, the data will be used to assess compliance with the ozone National Ambient Air Quality Standards. Recent elevated ozone concentrations were observed at locations that have the highest ozone design values in Region 5, including Sheboygan, Wisconsin; Kenosha, Wisconsin (Chicago area); and Muskegon, Michigan.

US and Canada Plan to Initiate Public Engagement on the Lake Huron Lakewide Action and Management Plan by June 20, 2017

Key Message: The draft Lakewide Action and Management Plan (LAMP) will be posted online and announced through the Great Lakes listserv.

Region 5, working with Environment and Climate Change Canada (ECCC), has prepared a draft Lake Huron LAMP. The agencies plan to post a notification and request for public input on binational.net and to send an announcement via the Great Lakes listserv (GLIN). This posting will solicit input from the public on the draft Lake Huron LAMP including such sections as the state of Lake Huron, ideas for priority lakewide actions, science and monitoring and outreach and engagement.

The 1987 update to the Great Lakes Water Quality Agreement (GLWQA) established the binational commitment to develop LAMPs. The 2012 update to the GLWQA realigned the LAMP process, establishing a 5-year rotating cycle for LAMP development.

UPCOMING EVENTS:

NONE

UPCOMING MAJOR DECISIONS

NONE

PAST WEEK ACCOMPLISHMENTS:

Region 5 Hosted State Director's Meeting on June 14, 2017

Key Message: The in-person meeting consisted of discussions on priorities and concerns; key updates; and the exchange of ideas and best practices.

On June 14, 2017, state directors from all six of the Region 5 states met in Chicago to discuss state and federal priorities and challenges as well as provide key updates. A consistent theme throughout the day was "cooperative federalism" and how EPA and the states can further our efforts to coordinate and collaborate in our work. The meeting was highly productive and was enhanced by the attendance of Ken Wagner. Historically, this meeting has been a great opportunity for Region 5 and state leadership to meet in-person to discuss areas of importance. It has been and continues to be integral to developing stronger working relationships between the region and the states, and among the states.

Acting RA Kaplan Joined East Chicago Residents for "Toxic Tour" on June 8

Key Message: The tour focused on East Chicago and surrounding areas of Northwestern Indiana with heavy industry and legacy contamination.

The residents appreciated the opportunity to show Acting RA Kaplan areas within their community where there are environmental concerns. An area known as the Calumet Avenue Ditch was of particular interest to the residents due to ongoing odor issues and safety concerns. During the visit, there was a clear sheen and strong odor at the site. Region 5 has been working with a nearby facility to address issues at the site and will also be initiating a separate investigation into a neighboring facility that is suspected of contributing to the problem.

Memorandum of Agreement Signed on June 8, 2017, to Defer NPL Listing Determination While IDEM Leads Response at Riverside Ground Water Contamination Site in Indianapolis

Key Message: IDEM will be taking over the investigation and cleanup at the site, and the site will not be finalized on the National Priorities List (NPL).

EPA and IDEM have negotiated and signed a Memorandum of Agreement that allows IDEM to take the lead on the investigation and cleanup at the proposed Riverside Ground Water Contamination site. The site will remain as "proposed" and will not be finalized on the NPL. Following EPA guidance, the MOA documents that IDEM has committed to a state cleanup that (1) is CERCLA-protective of human health and the environment; (2) meets state and federal applicable requirements; (3) will not be eligible for Superfund cleanup funding; and (4) fosters community participation in decisions regarding response actions at the site.

The Riverside Groundwater Contamination site consists of a chlorinated solvent plume that has impacted two municipal wellfields in Indianapolis. Although raw water from the contaminated wells is below Safe Drinking Water Act maximum contamination levels, the water is blended to non-detect levels prior to distribution to over 17,000 people in Indianapolis. IDEM sent a NPL listing support letter in August 2015, and the site was proposed to the NPL in April 2016. IDEM withdrew their support in August 2016 after receiving feedback from the community and developers in the area who were opposed to a Superfund

designation. As part of the deferral package, IDEM has submitted an approved deferral strategy, along with letters from the IDEM Commissioner, municipal water provider, and Mayor of Indianapolis. The letters expressed concern that a Superfund listing would endanger redevelopment in the area including expansion of Marian University's hospital and construction of a high-tech/ life science research campus called "16-Tech." EPA and IDEM also participated in public meetings and outreach during the public comment period and throughout the deferral negotiations. IDEM's website for the site is located [here](#).

Region 6

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

Walmart, Bentonville, Arkansas

Region 6 plans to issue a stop sale order to both Fruit of the Earth, Inc. and Walmart Corporation based in Bentonville, Arkansas regarding three unregistered pesticides. The products are: Equate Natural Bug Defense Sunscreen, 50; Equate Natural Bug Defense Sunscreen, 30; and Ozark Trail 2-in-1 Bug Defense and Sunscreen Spray. These products were made by Fruit of the Earth, Inc., Grand Prairie, Texas for Walmart. The states of Indiana and New Mexico referred this to EPA. Although marketed as being exempt from FIFRA regulation based on FIFRA's Section 25(b) minimum risk exemption, the products do not qualify for that exemption and must be registered. These products are unique because they combine insect repellent functionality with sunscreen qualities. However, the sunscreen constituents are not approved as either active or inert ingredients permitted in minimum risk exempt pesticides under 40 CFR section 152.25(f). Some states granted state registration to these products, but most did not. States that granted registration are reviewing their files. Some have already rescinded the registration. THE case is being handled by Region 6 because both the manufacturer and the marketer are headquartered in Region 6. We are working closely with OSCPP and OECA. We are also working with Walmart to implement a voluntary recall, as well as a forward looking strategy that will return them to compliance.

Bird Creek, Pawhuska, Oklahoma

Following up to the shut-in of the injection wells on June 9, Region 6 is measuring fluid levels of each of the wells. The wells are being brought on line in sequence beginning June 14 and concluding on June 20. The companies have provided information regarding their operations and chemical use to help EPA identify sampling and analytical protocols to be used in the sampling effort during the week of June 26. The next data collection from all deployed 18 monitors and sampling of the discharge from the three locations is scheduled for the week of June 26th.

Denka, LaPlace, Louisiana

Louisiana Department of Environmental Quality (LDEQ), Region 6, Office of Air and Office of Research and Development are discussion a local elected Officials' briefing to update them regarding chloroprene air emissions from the Denka (formerly DOW) Neoprene plant in LaPlace, Saint John the Baptist Parish, Louisiana. For the past year, parties have been working with Denka to reduce chloroprene to the greatest extent possible, and to conduct monitoring in the community for one year. Much has been accomplished. LDEQ and Denka have an agreed order to install a Regenerative Thermal Oxidizer (RTO) to control most of

the waste streams at a 99% level, and to complete a series of other measures. Denka is scheduled to install the RTO this Fall. The last joint community meeting to discuss chloroprene emissions and next steps was held on July 9, 2016. The community meeting was preceded by elected official briefings and discussions with some of the environmental advocates. A similar approach is being proposed again, however, the community meeting has not been scheduled..

EPA and LDEQ have collected monitoring data in several locations and provided this data to the public each month. EPA is also preparing a summary report of ambient air monitoring data for chloroprene to share with the community. Levels of chloroprene continue to be elevated.

Texas Regional Haze

Over the last couple of weeks we had several conversations with TCEQ. As a result, we have received a proposal and subsequent clarification from TCEQ that describes a proposed “Intrastate Trading Program” that would be a part of a FIP that would ultimately be implemented by the State. We are proceeding with detailed discussions internally to draft the implementing documents. However, I am concerned that this approach may not be completed by the September 9 CD deadline that requires EPA to finalize a plan. I asked my team to draft an alternative in the form of a FIP that considers the comments received, and sets an appropriate level of BART controls for EGUs. I recently had a discussion with Chairman Shaw concerning the haze plans and our path forward. He reconfirmed his commitment and his agreement from the Gov.’s Ofc to work with EPA to reach a resolution. He understood that this might require that EPA issue a FIP to implement the agreed approach.

LA Regional Haze

Region 6 and LDEQ have been working collaboratively on a modified State Implementation Plan that addresses the concerns related to the Nelson EGU. LDEQ Secretary informed Region 6 that we can expect to receive the SIP on 16 June 2017. This submittal allows EPA to begin the process of addressing the remaining regional haze requirements in Louisiana. We previously proposed approval of the SIP which addresses all other applicable EGUs in LA.

Arkansas Regional Haze

EPA and ADEQ are in agreement with the path forward for AR Regional Haze. The state is currently working with the industry to complete the work for a SIP intended to replace the FIP in AR. Unfortunately, due to timing, EPA must address the NOx compliance deadlines for a few EGUs that are scheduled to comply by

April 2018. This will be in the form of a modification to the FIP to extend those deadlines. Failure to do so would put the industry in jeopardy of being out of compliance or force shutdowns and threaten grid reliability. We expect to sign the Modified FIP by 30 June 2017.

City of Fort Worth, Texas

EPA and TCEQ will continue to share information to address concerns with the permit before the regulatory deadline of June 22. The draft permit allows the treatment plan to bypass secondary treatment which creates water quality concerns. If discussions are not successful, EPA will need to submit an Interim Objection Letter for state-proposed water discharge permit for the Village Creek Water Reclamation facility owned by the City of Fort Worth.

Texarkana Wood Preserving, Texarkana, Texas

Region 6 and the Texas Commission on Environmental Quality (TCEQ) have reached agreement regarding groundwater monitoring at the Texarkana Wood Preserving Superfund site. The parties agreed that groundwater sampling and analysis of all monitoring wells will be conducted every two years, versus every year. Current groundwater information indicates receding naphthalene and pentachlorophenol (PCP) plumes at the site.

Wood Industries, San Antonio, Texas

Region 6 is investigating a potential Superfund site referred by the Texas Commission on Environmental Quality (TCEQ). Region 6 will sample and gauge the tanks and vessels to determine the nature and volumes of each tank located at the site. The Walker Wood Treater site, in Livingston, Texas, has 14 tanks in the tank farm ranging up to 30,000 gallons in size (contents and volumes unknown) and a 92 feet long pressure treatment vessel that the previous owner claims is still half full of creosote. The company used Creosote, Pentachlorophenol (PCP), and Copper Chromate Arsenic (CCA) to treat wood.

F.J. Doyle Salvage, Leonard, Texas

Region 6 is investigating a potential Superfund site referred by the Texas Commission on Environmental Quality (TCEQ). The F.J. Doyle Salvage facility in Leonard salvaged electrical transformers which lead to polychlorinated biphenyls (PCBs) contamination in the soil.

US Cooling Towers, Plainview, Texas

Region is investigating a potential Superfund site referred by the Texas Commission on Environmental Quality (TCEQ). The US Cooling Towers Site in Plainview is a former manufacturer at which chromium and arsenic have been found in surface soil samples. The area surrounding the facility is mixed industrial, residential and agricultural.

Oklahoma Risk Assessment Training, Oklahoma City, Oklahoma

On June 20 and 21, Region 6 will conduct risk assessment training for approximately 28 individuals from the Oklahoma Department of Environmental Quality (ODEQ) and several Oklahoma Indian Tribes in Oklahoma City. The risk training will cover human health risk assessment, ecological risk assessment and risk communication. The risk assessment presentations will have a special emphasis on the risk assessment of metals, including lead.

NEPA

Louisiana Connector Project, Jefferson County, Texas

Federal Energy Regulatory Commission is developing an Environmental Impact Statement for the planned Louisiana Connector Project. The pipeline project would involve the construction of approximately 131 miles of new gas feed pipeline and associated facilities in Jefferson County, Texas and Cameron, Calcasieu, Beauregard, Allen, Evangeline, and St. Landry Parishes, Louisiana to a point of interconnect with a proposed liquefied natural gas facility south of Port Arthur in Jefferson County, Texas. Region 6 will support FERC by meeting our basic statutory requirements for participating in the environmental review process.

FOIA

EPA-R6-2017-008271/ 008270, 008629- Emily Walkenhorst, Arkansas Democrat-Gazette, Copies of air or water monitoring reports regarding Georgia-Pacific facilities in Crossett, Arkansas since January 1, 2014.

UPCOMING PUBLIC EVENTS

June 17 - "Build Me" Expo in Homer, LA. EPA will share information regarding Lead Based Paint, Children's Environmental Health, Asthma, Integrated Pest Management and Pesticide Safety.

June 20 - Public hearing in Houston, Texas for the Proposed Outer Continental Shelf Oil and Gas General Permit

June 21 – Public hearing in New Orleans, Louisiana for the Proposed Outer Continental Shelf Oil and Gas General Permit

July 12 – EPA Regional Tribal Operation Committee meeting, Albuquerque, New Mexico

July 27-28 – Children’s Health Symposium at University of Texas at El Paso, Texas. EPA is sponsoring the event.

September 11–13 – National Air Quality Conference, Austin, Texas. Attendees will learn the latest information on air quality forecasting and mapping.

September 17-21 - 19th Annual Stormwater Conference in San Antonio, TX. The Conference will inform and educate professionals on controls that can address water pollution

UPCOMING DECISIONS

Arkansas 303d List

Region 6 and the state of Arkansas continue to exchange information regarding the state’s 303(d) lists for 2010, 2012, 2014 and 2016; and completed another review session on June 14. While EPA reduced the number stream segments added to the state’s 303(d) list of impaired water bodies from 53 to 0, there are 10 water segments listed in 2008 where additional information is needed from ADEQ.

Citizen Potawatomi Nation of Oklahoma

Region 6 provided Headquarters’ Office of Water, General Counsel and Tribal Affairs its draft approval of the treatment as a state authority (TAS) for Citizen Potawatomi to administer water quality standards and certification program under the federal Clean Water Act for internal EPA review. Citizen Potawatomi Nation of Oklahoma submitted a TAS application for a nonpoint source grant program (319) and two regulatory programs 303(c) WQS and 401 water quality certification. Tribes in Oklahoma are required by Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 (“SAFETEA”) §10211(b) to enter into a cooperative agreement with the state of Oklahoma, and Citizen Potawatomi Nation has done so.

However, the current cooperative agreement expires in December 2017 and the State of Oklahoma has indicated their plans not to renew the agreement. The Citizen Potawatomi Nation's lands are located in Cleveland and Pottawatomie counties in the state of Oklahoma. Water resources within the Citizen Potawatomi Nation include portions of the North Canadian River, Squirrel Creek, North Deer Creek, Brier Creek and several unnamed tributaries.

PAST WEEK ACCOMPLISHMENTS

Texas 2008 Lead NAAQS Redesignation and SIP Approval for Collin County

EPA approved to designate the Lead (Pb) Nonattainment Area in Collin County Texas as achieving Attainment under the Clean Air Act.

Albuquerque Bernalillo County Revisions to NSR Preconstruction Permitting Program

Region 6 approved revisions to the City of Albuquerque – Bernalillo County Minor NSR Program and incorporate the revisions into the SIP.

PENDING ACTIONS (Pending Federal Register Publication)

- Final Authorization of Louisiana Waste Management Program Revisions; Proposed Rule and Direct Final Rule
- Final Authorization of Oklahoma Hazardous Waste Management Program Revisions; Proposed Rule and Direct Final Rule
- Proposal and Direct Final Rule for Collin County (Frisco area) Lead Redesignation to Attainment and the Maintenance Plan
- Albuquerque Bernalillo County Revisions to NSR Preconstruction Permitting Program

Region 7

Hot Issues

10th Street Site Sampling and Vapor Intrusion Mitigation

Key Message: R7 continues to implement the remedy in the ROD amendment for the 10th Street Superfund Site in Columbus, Nebraska.

- The site consists of groundwater plumes and source areas of tetrachloroethylene (PCE) and trichloroethylene (TCE) contamination originating from former dry cleaning facilities and related risks from vapor intrusion into residences and businesses.
- This week, R7 contractors installed ports and conducted sampling for PCE/TCE at eight residential houses adjacent to the former dry cleaning facilities that were razed last year during the remedial action.
- R7 previously conducted sampling at some of the homes in 2012 and PCE/TCE levels were found to be below the action threshold at that time. However, EPA has recently reduced the PCE/TCE threshold and the homes may now potentially be in the risk range.
- Additionally, one concerned homeowner requested additional sampling be conducted due to health concerns.
- The eight homes sampled this week were identified in conjunction with NDEQ and 100% of the homeowners provided access for sampling.
- R7 plans to sample the homes three more times on a quarterly basis.

Ogallala Sampling and Access Update

Key Message: R7 is continuing to address concerns about worker exposures due to TCE Vapor Intrusion (VI) associated with the groundwater plume at the Ogallala Groundwater Contamination Site in Nebraska.

- An Action Memorandum authorizing VI mitigation at three Ogallala properties is in the signature concurrence process; once the Action Memo is signed, installation of mitigation units will be scheduled.
- R7 plans to conduct additional VI sampling in Ogallala the week of July 10, 2017.
- At this time, access to all but one targeted property has been arranged and efforts to obtain voluntarily access for sampling at the remaining property are underway.

Linwood Mining & Materials Corp., Des Moines, Iowa

Key Message: On June 6, 2017, R7 determined that the injection of backfill material into the mined out portions of the underground operations to prevent subsidence and stabilize those portions of the mine will be allowed to operate as rule authorized under 40 CFR §144.24 without the need for permitting.

- Linwood Mining's use of slurry composed of fly ash, limestone and water for the backfilling of mined out portions of the underground operations is to prevent subsidence and stabilize portions of the mine.
- The emplacement of this material into the subsurface is regulated by the Underground Injection Control Program as a Class V Injection well.
- Injection wells in this classification are allowed to operate either as rule authorized or under

conditions of a permit.

- The decision to permit these operations is based on the following criteria: whether the injection could cause a violation of the Primary Drinking Water Regulations under 40 CFR §141 or otherwise adversely affect the health of humans; the duration of the project; frequency of injection; and the volume of fluids to be injected.
- To ensure the protection of underground sources of drinking water, the R7 requires authorization to be obtained from the EPA for all injection wells by the authorities granted the Administrator under 40 CFR §144.25(a)(3).
- R7 has coordinated with IDNR and incorporated their language into the authorization letter to Linwood Mining.
- R7 has direct implementation responsibility for the UIC program in Iowa.

Recent Requests for Federal Assistance from Missouri

Key Message: On June 8, 2017 the Missouri Department of Natural Resources submitted two requests for federal action.

- The requests were for the Upper Street Lead site in Potosi, MO and the St. Joseph Trailer Court site in Viburnum, MO.
- Both sites are being evaluated to determine how to address these requests and if they can be addressed as part of other EPA Superfund site work in these two cities.

Last Week's Highlights

EPA Enforcement Economic Models Training

Key Message: on June 7 – 8, 2017, R7 hosted Enforcement Economic Models training for states and R7 staff at regional office in Lenexa, Kansas.

- The two-day training focused on four EPA Enforcement Economic Models: BEN, ABEL, INDIPAY, and MUNIPAY, with instruction and exercises.
- The training was held at the regional office and through Adobe Connect.



Congressional Visits

Key Message: On June 14, 2017, members of the EPA leadership met with members of Congress and their staff to provide a briefing and an update on the West Lake Landfill site in Bridgeton, Missouri.

- Key points included: EPA is nearing completion of our final proposed remedy decision; no offsite exposures to area residents; and a one government approach for this project.

Upcoming Events

Riverfront Superfund Site Public Meeting

Key Message: On June 20, 2017, R7 will hold a public meeting to present information about the 2014 Five Year Review and plans to conduct PCE sampling of indoor air in residences and businesses.

- A recent Five-year review indicated that the effectiveness of the remedy needed to be evaluated further to ensure that it was still protective of human health and the environment – this is the reason for the additional sampling.

State Implementation Plan (SIP) Lean Transference Training

Key Message: On June 20 – 21, 2017, staff from R7, R10 and OAQPS, will meet with the R3 Air Program for pilot sharing of the SIP best practices across Regions and States.

- R7, as SIP reform sub-lead, along with R4, R10 and OAQPS, led the effort to develop a SharePoint site and training through support from the Lean Action Board (LAB) State Implementation Plan (SIP) project.
- The training will focus on the new online resources for recommended best practices, tools, and templates for processing SIPs.
- In addition, the team developed a transference plan to ensure successful implementation of the resources and best practices in regions and with state partners.
- This R3 training is the pilot for future regional and state trainings.
- The LAB formed in January 2016 as a joint EPA-state initiative with the goal to advance Lean and ensure continuous process improvement at EPA and state environmental agencies.

REGION 8 WEEKLY REPORT – June 15, 2017

Hot Issues – None.

Upcoming Public Events –

Bonita Peak Mining District (BPMD) Superfund site outreach activities during the weeks of June 12 and June 19.

Key Message: EPA is providing several updates on the BPMD project and hosting a public meeting regarding the hydrology in the district.

- June 14 – Phone conference and routine project update for Congressional staff.
- June 14 – Phone conference with the New Mexico Environmental Department (NMED) to provide a BPMD update and technical discussion on mining district hydrology, coordinated with EPA Region 6.
- June 19 – Meeting with Ute Mountain Ute in Towaoc, CO to provide an introduction to the BPMD project and prepare for a July 2017 informal consultation and field trip to the mining district.
- June 20 – Silverton Planning Committee meeting, and public meeting regarding hydrology of the mining district, in Silverton, CO.
- June 21 – Routine project update for the La Plata County Commissioners and City of Durango in Durango, CO.
- June 22 – The EPA will attend the bi-monthly Animas River Stakeholders Group meeting in Silverton, CO.

Upcoming Major Decisions -

Pending Denial of Class V UIC Permit for Failing Septic Systems at Lodge at Mount Rushmore, SD (First reported in June 1 Weekly Report)

Key Message: **Decision needed by OA.** Region 8 plans to issue a final decision next week to deny a Class V Underground Injection Control permit application for failing septic systems at the Lodge at Mount Rushmore in Keystone, South Dakota.

- On February 15, 2017, Region 8 issued a notice of intent to deny a Class V permit for the Lodge, owned by the Winona Inn Limited Partnership.
- News media accounts have focused on the Lodge owner's noncompliance with state and county requirements as well as non-compliance with EPA's Safe Drinking Water Act requirements.
- No information was provided through public comments that demonstrated underground sources of drinking water could be protected through operation of the Lodge's septic systems.

- In March, a State Circuit Court Judge ordered the Lodge owner to keep the Lodge closed pending issuance of: 1) an EPA Class V permit; 2) a South Dakota lodging license; and 3) a county conditional operating permit for the Lodge's septic systems.
- Region 8 coordinated with the state of South Dakota, Pennington County, and the Office of Ground Water and Drinking Water on this matter.

Last Week Highlights -

Region 8 and U.S. Forest Service (USFS) Issue Joint Action Memorandum at the Libby Asbestos Superfund Site to Address Threats from Wildfires

Key Message: On June 9, 2017, EPA and the USFS authorized a CERCLA non-time-critical removal action to address the need for fire preparedness at the Libby site until the Record of Decision can be signed.

- Wildfires on contaminated forest lands may expose firefighters to unacceptable risk, and also could threaten critical infrastructure.
- The Montana Department of Environmental Quality and the Montana Department of Natural Resource Conservation submitted a joint comment supporting the fire preparedness action. Grace opposed the preferred alternative.

EPA Building Blocks for Sustainable Communities Workshop in Pueblo, CO

Key Message: On June 6-7, Region 8 supported the delivery of a "Building Blocks for Sustainable Communities Equitable Development Workshop" to the city and community of Pueblo, Colorado.

- The workshop focus was developing options for land reuse at several sites within the Bessemer, Eilers, Heights and Grove Neighborhoods, including the Colorado Smelter Superfund Site.
- Workshop participants included city, county, state and federal agencies as well as private sector and community members.
- This workshop is an element of our larger Colorado Smelter Revitalization Project, being led by our Sustainable Communities and Superfund Revitalization Programs.

Region 8 Drinking Water Program Meets with Wyoming Governor's Small Water System Task Force.

Key Message: Region 8 participated in the semiannual meeting of the Wyoming Governor's Small Water System Task Force with various Wyoming state and local agencies in Cheyenne on June 15, 2017.

- Meeting invitees included representatives from the State Engineers' Office, Wyoming Departments of Environmental Quality, Agriculture and Health, several County Health officials and the Wyoming Association of Rural Water Systems.
- EPA and state and local agencies reviewed the EPA's updated criteria for issuing Emergency Administrative Orders, discussed planned Sanitary Surveys for 2017 and a planned September 2017 Emergency Response tabletop exercise, and collaborated on efforts

to assist public drinking water facilities in Wyoming.

Region 9 Weekly Report

HOT TOPICS:

1. **Los Angeles - Tesoro Refinery Integration and Compliance Project:** The week of June 19, we plan to finalize actions pertaining to Clean Air Act permitting of the Tesoro Refinery Integration and Compliance Project. In a letter to Tesoro, we will agree with the company's conclusion that the project will not trigger Prevention of Significant Deterioration permitting provisions. At the same time, we will send a letter to the South Coast Air Quality Management District regarding our determination that their two proposed title V permit revisions for the project comply with Clean Air Act requirements.

PUBLIC MEETINGS/ENGAGEMENT:

1. **Public Meeting on Red Hill Bulk Fuel Storage Facility in Honolulu:** On June 22 we will host a public workshop with the Navy to update interested parties and answer questions regarding Red Hill Administrative Order on Consent implementation, including environmental investigations and infrastructure upgrades. During the week, we will also hold separate meetings with Hawaii DOH and the Navy; external subject matter experts including the Honolulu Board of Water Supply, USGS, and the University of Hawaii; and with federal, state, and local elected officials.

PAST WEEK HIGHLIGHTS:

1. **Drinking Water Compliance at Navajo Nation Elementary School:** This week Region 9 entered an Administrative Order on Consent (AOC) with the Tuba City Unified School District #15 which operates Dzil Libei (Cameron) Elementary School in the Navajo Nation reservation. The school's public water system delivers drinking water to students, staff and faculty members and has exceeded the SDWA arsenic MCL and has had lead action level exceedances. Further, the school's water system is in noncompliance with various monitoring and reporting requirements. Currently, the District is providing bottled water to students, staff and faculty and the drinking water faucets have been shut off. We continue to consult with Navajo Nation on our action. We expect the District to achieve compliance with SDWA by December 31, 2017.
2. **President's Environmental Youth Award:** On June 13 we attended an assembly at the Mount Madonna School in Watsonville, CA to recognize 5th grade students who received the 2016 President's Environmental Youth Award. The student-led project focused on environmental threats faced by the Western Snowy Plover, a threatened shorebird found along the California coastline, and addressed habitat encroachment and pollution from plastic. The students will have an opportunity to attend the national Environmental Education Awards ceremony in August in Washington, DC.

Region 10 Weekly Report – June 15, 2017

Hot Issues

- **Tribe and Environmental Groups Sue Navy Over Hull Cleaning in Puget Sound (WA):** On June 14th the Suquamish Tribe and two environmental groups filed a lawsuit against the U.S. Navy over the January 2017 hull cleaning of the EX-USS Independence aircraft carrier at Naval Base Kitsap. Region 10 sent a letter to the Navy in January expressing concerns about potential water quality impacts to Puget Sound from the hull cleaning and asking for additional information. The same organizations who have filed the law suit have also sent Region 10 a FOIA request for records related to this issue.
- **Nooksack Tribe Funding (WA):** Region 10 is working with the Office of Grants and Debarment and the Office of General Counsel, to prepare a letter to the Nooksack Indian Tribe notifying them that the agency will have to withhold future grant funding to the Tribe. EPA is unable to provide new or additional funding to the Nooksack Tribe due to the Department of Interior's decision to not recognize the "holdover" Nooksack Tribal Council. This decision impacts several programs including the Indian General Assistance Program Performance Partnership Grant (which includes CWA 106 and 319 funds) and the Puget Sound Tribal Capacity Grant. Acting R10 Deputy Regional Administrator Dan Opalski will call the Nooksack Tribal Chairman prior to sending the letter. Region 10 staff are also coordinating internally with affected program project officers and management on this issue.
- **Upcoming Public Events**
- **Stibnite Midas Gold Representatives to Meet With Acting Region 10 RA (ID):** On June 22nd, the Region 10 Acting Regional Administrator and the Region 10 mining coordinator will meet with Stibnite Midas Gold CEO, Laurel Sayer and Board Member (and former Region 10 RA), Michael Bogert. The meeting is one week before the U.S. Forest Service public meetings on the scope of the Environmental Impact Statement for the Stibnite Midas Gold project. EPA is a cooperating agency on the EIS for this proposed redevelopment of a historic gold mining operation in Valley County in southwestern Idaho.
- **Regional Tribal Operations Committee Meeting (WA):** The Region 10 RTOC will have its quarterly in person meeting June 20-22nd, hosted by the Yakama Nation in Toppenish, WA. The agenda will include updates from EPA's American Indian Environmental Office and Region 10 acting RA and Chief of Staff, discussions on transboundary mining potential impacts, traditional ecological knowledge awareness training for Region 10 staff, and reports from each of the elected tribal caucus members. The Yakama Nation is also organizing environmental and cultural presentations and tours for the RTOC.
- **Upcoming Major Decisions**
- **Donlin Gold Mine Environmental Impact Statement (AK):** The U.S. Army Corps of Engineers plans to release its preliminary Final EIS for the proposed Donlin Gold Mine on July 3rd for a 60-day public review period. Located in western Alaska, Donlin is one of the largest known undeveloped gold deposits in the world, with reserves estimated at 33.8 million ounces of gold. EPA is a

cooperating agency on the preliminary FEIS. The Corps has noted that the applicant may not provide some of key documents before the July release of the preliminary FEIS, therefore there may not be a clear understanding of the extent of the environmental impacts of the project. The Corps is working closely with EPA under the CWA 404(q)/elevation process, and has stated that it has been working with the applicant to identify ways to reduce the footprints and impacts of some of the project components.

- **Trident Seafoods Proposal for Fish Waste Disposal (AK):** Region 10's Ocean Dumping Program met with the Trident Seafoods Corporation to discuss its plans for the ocean dumping of fish wastes near Alaska during the 2017 fishing season, which runs from now through September. Trident expects to need to dump fish wastes from their seafood processing plants in Ketchikan, Wrangell, Akutan, Saint Paul and possibly other plants as well. The quantity of seafood waste to be dumped at each disposal site varies, but the total tonnage is likely to be in the tens of thousands of metric tons (or tens of millions of pounds). The Ocean Dumping Program will follow up with Trident on reviewing site specific information to determine whether the proposed dumping meets the exclusion for fish wastes in the Marine Protection, Research and Sanctuaries Act.
- **Adoption of the Revised Total Coliform Rule for Alaska:** The Region 10 acting Regional Administrator signed a Federal Register notice to approve the Alaska Department of Environmental Conservation's adoption of the Revised Total Coliform Rule, which the State adopted by reference. EPA revised the 1989 Total Coliform Rule (RTCR) in 2013 and adopted it to improve public health protection. Drinking water primacy states such as Alaska are expected to update their state rules and make them no less stringent than federal rules. ADEC has done that and EPA is ready to approve the revision. All public water systems must comply with the RTCR starting April 1, 2016. EPA considers total coliforms a useful indicator of other pathogens for drinking water. Total coliforms are used to determine the adequacy of water treatment and the integrity of the distribution system. We have already approved the adoption of the RTCR for Oregon, Idaho and Washington.
- **Last Week Highlights**
- **Portland Harbor Superfund Site Draft Sampling Plan (OR):** Last week, EPA sent our Draft Portland Harbor Sampling Plan to a number of interested and willing Potentially Responsible Parties with the goal of initiating pre-remedial design sampling for the site before the end of 2017. Developed with input and support from the Portland Harbor Technical Coordination Team, which includes Oregon Department of Environmental Quality (ODEQ), six federally recognized tribes and federal natural resources agencies, the Draft Sampling Plan is intended to initiate the remedial design process, move forward existing allocation efforts, and update existing site-wide conditions for baseline and long-term monitoring. EPA has received support from ODEQ to move forward with site-wide sampling and Remedial Design in areas where contamination is known to present the highest health risk. The Portland Harbor Team has begun conversations on the Draft Sampling Plan and potential early actions for the site to encourage interested PRPs to accelerate cleanup and redevelopment at Portland Harbor.
- **Trash Free Waters Columbia River Study Proposal Selected for Funding (OR):** Region 10's Trash Free Waters proposal to support citizen science boat surveys to identify trash hot spots in the Columbia River Estuary and Slough was selected to receive \$30,000 in funding from the Office of Wetlands, Oceans and Watersheds. The surveys and support from EPA will help the Lower Columbia Estuary Partnership and the Columbia Slough Watershed Council identify trash sources

and build the network of relevant organizations to develop strategies to prevent further trash inputs. These surveys were suggested as part of the new Oregon Marine Debris Action Plan and will be part of R10's emerging effort to develop replicable methods for assessing trash impairments of waters including a preliminary microplastics survey on two Columbia river islands. The funding is a step toward building a Regional Trash Free Waters Coalition that unites all three of our National Estuary Programs with our Urban Waters and other place-based programs to keep trash out of our waterways.

**Office of Administration and Resources Management
Weekly Report
June 15, 2017**

Hot Issues

Domestic Violence, Sexual Assault and Stalking Policy

Mandated under a Presidential Memorandum entitled *Establishing Policies for Addressing Domestic Violence in the Federal Workforce*, OARM has developed the Domestic Violence, Sexual Assault and Stalking Policy which aligns with Office of Personnel Management guidance. The policy addresses roles, responsibilities, points of contact and procedures related to the agency's handling of domestic violence, sexual assault and stalking as it affects our workplace. OARM expects to sign and distribute the policy by the end of June 2017.

Fitness Centers

Today, OARM notified the unions that the Agency is eliminating, for the most part, funding for the centers. This will create a local impact and implementation bargaining obligation. This could generate press for the unions. OARM worked with OPA on a desk statement.

Upcoming Public Events

OGD will be hosting its regular *Grants Award Process* webinar on June 20 from 2:00 pm - 3:00 p.m. The purpose of the quarterly webinar is to provide the grants community with an overview of the grants competition process at EPA. Past webinars have attracted large external audiences and elicited favorable feedback and support.

Upcoming Major Decisions

None

Last Week's Highlights

None

OAR Weekly Report – June 15, 2017

Upcoming Hot Issues and Important Deadlines

- **Moving Forward on Proposed Rules for Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG):** Proposed rules for MSW Landfills NSPS and EG are under review at OMB.
- **Moving Forward on the Renewable Fuel Standard (RFS) Proposed Rule for 2018 Volumes:** As of Thursday June 15, the proposed rule is nearing completion of OMB's interagency review.

Upcoming Meetings, Public Events, or Other Public Releases

- **Stakeholder meeting on the oil and gas sector of the US Greenhouse Gas Inventory:** On June 22nd, in response to a request from API, EPA is holding a half-day meeting to provide an opportunity for a group of stakeholders to present technical information and data that could be used for updates to our estimates in the oil and gas portion of the US Greenhouse Gas Inventory.
- **Energy Star Top Cities List:** June 24-26 – Staff from EPA's Energy Star program plan to attend and present at the Building Owners and Managers Association (BOMA) conference in Nashville, TN. To support BOMA members' efforts to run their buildings more cost-effectively, staff will demonstrate the capabilities of Energy Star's Portfolio Manager to track waste, energy and water use for benchmarking purposes. On the 26th the annual Top Cities list – which ranks cities with the most Energy Star certified buildings – will be announced in coordination with BOMA and the cities on the list.

Upcoming Decisions

- **For Administrator's Signature - Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Risk and Technology Review (RTR):** This final rule responds to two petitions for reconsideration filed by industry stakeholders on the RTR. The package is with OP for review.
- **For Administrator's Signature – Procedure 6 Technical Amendments:** This final rule makes technical amendments to Procedure 6 to resolve some minor inconsistencies between the initial proposal and final publication. (Procedure 6 specifies the minimum requirements necessary for control and assessment of the quality of continuous emission monitoring systems data submitted to EPA and used for hydrogen chloride emissions compliance determination at stationary sources). The package is with OP for review.
- **For Administrator's Signature – National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Flame Attenuation Lines:** This direct final rule and parallel proposal will extend the compliance date for flame attenuation (FA) lines at wool fiberglass manufacturing facilities. This is needed to respond to industry requests to review the data upon which the FA line emission limits, promulgated in July 2015, were based. The package is with OP for review.
- **For Administrator's Signature – National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry: Alternative Monitoring Method:** This direct final rule and parallel proposal will extend the use of an alternative compliance monitoring method for hydrogen chloride until such time as National Institute of

Standards and Technology (NIST)-certified calibration gases become readily available. The package is with OP for review.

- **For Administrator's Signature – Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant:** This direct final rule and parallel proposal corrects a potential conflict in a November 2016 final rule that updated EPA's refrigerant management regulations. The package is with OP for review.
- **For Administrator's Signature – Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards (NAAQS).** In this notice we are announcing that the Agency is using its authority under the Clean Air Act (CAA) to extend by 1 year the deadline for promulgating initial area designations for the ozone NAAQS that were promulgated in October 2015. The package is with OP for review.
- **For Administrator's Signature – Duke Energy Title V Petitions.** We have a June 30th deadline for responding to two Title V petitions (Duke Energy Asheville and Duke Energy Roxboro). We anticipate the packages will be to the Administrator's office for review next week.
- **Delegated to Office Director Level -- Los Alamos National Laboratory (LANL) Baseline Inspection:** OAR is preparing a Federal Register (FR) notice announcing its proposed baseline approval at LANL for waste destined for disposal at the Waste Isolation Pilot Plant (WIPP). This decision is delegated to the Director of the Office of Radiation and Indoor Air. Once signed, the FR notice will be sent to OP. (Background: waste streams generated by DOE sites such as LANL must be characterized and meet the WIPP's Waste Acceptance Criteria (WAC). EPA must inspect and approve each site's radiological waste characterization program before it can be approved to ship waste to the WIPP).
- **Delegated to Office Director Level -- Waste Isolation Pilot Plan (WIPP) Recertification:** OAR is preparing a Federal Register (FR) notice announcing it is recertifying that the WIPP continues to comply with the Agency's radioactive waste disposal regulations. This decision is delegated to the Director of the Office of Radiation and Indoor Air. Once signed, the FR notice will be sent to OP. Statutory deadline for completing this action is July 13, 2017. (Background: As mandated by Congress in the WIPP Land Withdrawal Act, DOE is required to submit a recertification application to EPA every five years following the initial receipt of waste at the WIPP until the end of its operational activities. This will be the third WIPP recertification by EPA).

Recap of the Past Week

- **Signed this week:** Two proposed rules regarding the Oil and Natural Gas New Source Performance Standards (NSPS).

OFFICE OF CHEMICAL SAFETY & POLLUTION PREVENTION

WEEKLY REPORT – June 15, 2017

IMPORTANT DEADLINES

TSCA New Chemical Determinations					
Determination Type	Pending on 6/07/2017	Pending on 6/13/2017	Determinations Completed* as of 6/07/2017	Determinations Completed* as of 6/13/2017	Determinations Posted on the Website as of 6/13/17
# of "not likely" determinations	4	4	83*****	87	85*****
# of §5(e) Orders signed by both EPA and the submitter	-	-	197	198	191
# of §5(e) Orders signed by EPA and awaiting submitter signature	46	62	-	-	-
# of cases in Order development process	279***	262	-	-	-
# of cases flagged for in-depth review	82	82	-	-	-
# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	21	22	-	-	-
# of LVE/LOREX exemption grants	-	-	374	387	387*****
# of LVE/LOREX exemption denials	-	-	100	100	90*****
Total number of cases	432**	432**	754	772	-
Backlog	132	132	-	-	-

* "Determinations Completed" means that EPA has completed its review and final determination has been made under TSCA section 5(a)(3).

** Of these cases, approximately 300 cases are the normal active workload for the New Chemicals Program.

*** Of these cases, approximately 94 are lung toxicity cases that are suspended while EPA conducts its evaluation of these types of effects.

**** "Not Likely" determinations are not posted until the final determination document is prepared and has been shared with submitter.

***** Previous editions of this table included cases for which either an interim or a final determination of "not likely" had been made. This edition only includes cases for which a final determination has been made.

***** Different criteria had been used in editions of this table prior to May 23, 2017, for the counting of exemptions for "determinations

completed” and “determinations posted.” These have now been standardized.

HOT ISSUES

TSCA Framework Rules: Prioritization, Risk Evaluation and Inventory

OCSPP is working to finalize and publish three TSCA Framework Rules before the June 22, 2017, statutory deadline. The Prioritization and Risk Evaluation rules are currently undergoing OMB/Interagency review. The Inventory rule ended Final Agency Review on June 5, and does not require OMB/Interagency clearance. On June 22, OCSPP also plans to release scoping documents for the initial 10 chemicals for risk evaluation, and guidance to assist interested persons in the development of draft risk evaluations to for submission to EPA.

Formaldehyde Labeling Direct Final Rule

OCSPP plans to soon issue a direct final rule to amend the formaldehyde rule to allow early labeling of compliant composite wood products. This will reduce the unnecessary burden for panel producers, fabricators, distributors and retailers who want to roll out compliant inventory prior to the rule’s compliance date. Another direct final rule will update several voluntary consensus standards referenced in the final rule.

Lawsuit Filed Against EPA on Revised Certification of Pesticide Applicators Rule

On June 14, farmworker and health organizations represented by Earthjustice and Farmworker Justice filed a lawsuit against the agency for delaying the effective date of the certification of pesticide applicators rule (C&T). EPA delayed the effective date to give recently arrived agency officials the opportunity to conduct a substantive review of the regulation. This was the fourth extension of the effective rule date. The final C&T rule (issued January 4, 2017) revises regulations concerning the certification of pesticide applicators who apply restricted use pesticides.

UPCOMING PUBLIC EVENTS

June 22 – This marks the 1-year anniversary of amendments to the Toxic Substances Control Act (TSCA), as well as numerous statutory deadlines (e.g., TSCA Framework Rules, scope documents for first 10 risk evaluations, guidance for interested persons wishing to develop draft risk evaluations). EPA expects to issue a press release highlighting the achievements and progress made in TSCA implementation to date.

LAST WEEK HIGHLIGHTS

On June 12, OCSPP honored the 2017 **Green Chemistry Challenge Award** winners at a ceremony held in the National Academies of Science building in Washington, DC. These annual awards recognize chemical technologies that incorporate the principles of green chemistry into chemical design, manufacture, and use. OCSPP sponsors the Green Chemistry Challenge Awards in partnership with the American Chemical Society and other members of the chemical community including industry, trade associations, academic institutions, and other government agencies. ACS convenes the panel which reviews applications and recommends winners to the EPA. Winners included Dow, Amgen, Merck, UniEnergy Technologies (a small business) and a team of faculty and students from the University of Pennsylvania.

On June 12, OCSPP presented at a BNA webinar. OCSPP comments focused on an overview of the new chemical review program's improvements to ensure we meet our commitment to eliminate the backlog by July 31, 2017.

Office of the Chief Financial Officer Weekly Report

Hot Issues

Upcoming Public Events

- N/A

Upcoming Major Decisions

- Draft FY 2018-2019 National Program Manager Guidances are due today (June 15). As of 5 pm, OCFO has received drafts from OAR, OCSPP, OLEM, OEI, OITA, and NEPPS. OW and OECA's Draft Guidances remain to be received. These Draft Guidances will align with the FY 2018 President's Budget and provide programmatic activities and measures for EPA regions, states and tribes that inform state-EPA grant work planning. *Decision: OCFO Policy Leader review and NPM revisions next week, as needed, to support issuance of Draft Guidances for one-month public comment period beginning on June 28.*
- EPA's draft FY 2018-2022 EPA Strategic Plan framework is due to OMB by June 30. Following submittal to OMB, the agency will need to: 1) develop the full draft Strategic Plan, including narratives and performance measures, 2) identify applicable Agency Priority Goals to advance top priorities, and 3) assess risks to achieve the strategic goals and objectives outlined in the draft framework. *Decision: To meet OMB's June 30 deadline and move the development process forward, OCFO Policy Leader is meeting early next week to gain Administrator's approval of the draft framework and decision on areas of focus for Agency Priority Goals. This decision also will help inform completion of the Quarterly Measures Report.*

Last Week Highlights

N/A

Other

- OCFO will prepare the FY 2018 President's Budget Fact Sheets and related materials, as needed, for the Administrator's hearing with the Senate Appropriations Committee on June 27, incorporating feedback from the Policy Team and addressing incoming Senate polling topics. OCFO will participate in the Administrator's prep before the hearing.

Week of June 12, 2017 – June 23, 2017

- *Upcoming Hot Issues and Important Deadlines*

- **June 22**- TSCA reform first anniversary w/OCSPP
- **June 27** – Senate Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies will hold a hearing on President’s FY 2018 Budget. Administrator Pruitt will testify.

- *Upcoming Events*

- **June 21** - EPA will meet with Mayor Pro Tem Michael Johnson and Council Member William Morgan to discuss Brownfields and WIFIA. The city needs guidance as it considers applying for Brownfields support on its own rather than as part of the Centralina Council of Governments.
- **June 22, 2017** - Gold King Mine general update for Colorado and New Mexico congressional delegations
- **June 23 – June 26** – US Conference of Mayors will convene its 85th Annual Meeting in Miami Beach, FL, June 23 – 26. Mayor Mick Cornett (Oklahoma City, OK), President, will preside. Tate Bennett will engage with groups of key mayors on Friday, June 23rd for dialogue on WOTUS and Superfund
- **June 26-28** - The Western Governors Association is meeting in Whitefish, Montana

- *Past week accomplishments*

- **June 12 – 21** Ken Wagner, Senior Advisor to the Administrator for Regional and State Affairs attended Region 5 *All States Meeting* and visit the state of Arkansas, Texas, and New Mexico with Acting Regional Administrator Sam Coleman.
- **June 12** - ECOS released “[Cooperative Federalism 2.0: Achieving and Maintaining Clean Environment and Protecting Public Health](#),” a short paper describing states’ vision for reframed federal-state roles and responsibilities
- **June 13** – Senate Committee on Environment and Public Works held a hearing on the nomination of Susan Bodine to be Assistant Administrator OECA
- **June 13** - OIR, Office of Water, and Region IX staff met with Mayor Kevin Faulconer to continue discussions and dialogue on the Point Loma Wastewater Treatment Plan and the Pure Water Initiative
- **June 13** - Office of Public Engagement, Office of Water, Office of Pesticides Programs, and OCIR staff met with the Family Farm Alliance. The Family Farm Alliance is an advocacy group for family farmers, ranchers, irrigation districts, and allied industries in seventeen Western states. The Alliance and EPA discussed the Waters of the US rule and reinforced the need to continue the dialogue and partnership
- **June 14** - OIR, OLEM, and Region VIII staff met with City Councilor Dean Brookie, Brad Blake, Chairman, Board of Commissioners of La Plata County, CO

and Scott Fetchenhier, San Juan County Commissioner, to discuss the Bonita Peak Mining District.

- **June 14** - OIR, OW and Region V met with Doug Brown, Chief Utility Engineer, Springfield, IL City Water, Light and Power, regarding water quality protection for Lake Springfield as well as a secondary source of water for the City.
- **June 14** - The Senate Environment and Public Works Committee held a legislative hearing on S. 517, the Consumer and Fuel Retailer Choice Act which would extend the 1psi RVP waiver to ethanol blends above 10%.
- **June 15** – House T&I WRE Chairman Graves (LA) briefing on Step 1 of WOTUS Rule w/OW, Army, & Army Corps
- **June 15** – Notification of RNAi for corn rootworm w/OCSP
- **June 15** – House Committee on Appropriations, Subcommittee on Interior, Environment, and Related Agencies held a hearing on the President’s FY 2018 Budget. Administrator Pruitt testified.
- **June 15** - EPA met with Mayor Mike Moore, and other local officials from Jeffersonville, IN to discuss the city’s concerns about water infrastructure challenges, including the community’s ability to finance Long Term Control Plan (LTCP) and Consent Decree requirements.
- **June 15** - Staff from the Office of Water, Region IV, and the Office of Sustainable Communities joined OIR for a meeting with Mayor Anne Stedman and City Manager Todd Clark, to discuss the city’s Main Street Revitalization and Infrastructure Project, and funding needs to renovate Newton’s Wastewater Treatment Plant.

- ***Ongoing activities***

- Managing the confirmation process for the nominee for the Assistant Administrator, Office of Enforcement and Compliance Assurance, Susan Bodine. Organized and attended several member meetings. Working closely with the program office to prepare briefing materials for the upcoming hearing.
- Working with ECOS on planning the upcoming ECOS Leadership meeting scheduled for July 18th.
- Continue to coordinate responses to multiple oversight letters, congressional and gubernatorial correspondence, and FOIA requests. We closed out 36 letters during the previous two weeks

Office of Enforcement and Compliance Assurance Weekly Report

Hot Issues

Burden reduction for Pesticide Companies Selling products in China: EPA is working with China's Ministry of Agriculture, through a Letter of Intent, with the goal of mutual acceptance of scientific data supporting the process of registering pesticides. Mutual acceptance of scientific data promotes better regulatory decision-making but also has the added benefit of removing global industry barriers to pesticide registration. With China's development of a pesticide Good Laboratory Practice program compatible with EPA's, each country will be able to rely on the integrity of studies submitted to support pesticide regulatory decisions, saving companies time and money. The Letter of Intent with China expires this August and will be extended to August of 2019.

Peabody Energy Corporation Bankruptcy Settlement: In the next week, EPA and DOJ will finalize a bankruptcy settlement agreement with Peabody Energy Corporation and its insurers for payments to help address urgent cleanup needs at 27 Superfund sites, including the Tar Creek site in Oklahoma (lead and zinc contamination), the Taylor Springs site in Illinois (arsenic, cadmium, chromium, lead, and zinc contamination), and the Caney Residential Yards site in Kansas (smelter wastes and lead contamination). In all, payment of \$35.6 million will be made.

Upcoming Public Events

SelectUSA Investment Summit: OECA will be partnering with the Office of International and Tribal Affairs at the 2017 SelectUSA Investment Summit. SelectUSA is the International Trade Administration's branch in charge of bolstering foreign direct investment in the United States. The EPA will staff a kiosk and provide foreign investors with EPA-published information that foreign investors might find helpful in achieving their goals, such as what regulations may apply to them, how to obtain permits, how to maintain compliance, and where to obtain compliance assistance.

Senior Enforcement Managers Meeting: Regional Enforcement Directors and Regional Counsels will join OECA senior managers on June 21st and 22nd for an annual meeting on compliance and enforcement, including discussion of the array of tools for achieving compliance, and ways to strengthen our partnership with States.

Upcoming Major Decisions

*Case-specific deadlines are noted in our Daily Enforcement Report to Ryan Jackson.

Last Week's Highlights

Two Louisiana Men Sentenced for Conspiracy to Sell Devices to Cheat Vehicle Emissions Tests: On June 13th, Charles Edward Bayer, Jr. and Darren Kattan were sentenced in the N. District of New York for conspiring to commit mail fraud and violate the Clean Air Act by developing and selling simulator devices programmed to bypass motor vehicle emissions inspections tests. Bayer and Kattan were ordered to pay fines and were sentenced to three years of probation, serving the first four months of probation on house arrest. Kattan admitted that he designed, built, and sold at least 170 motor vehicle simulator devices that allowed vehicles to bypass state motor vehicle emissions inspections tests throughout the country. Bayer admitted that he sold and manufactured these devices knowing that they were used to illegally bypass motor vehicle inspections.

USS Lead Superfund Site, Indiana: On June 14th, DOJ, on behalf of EPA, filed a response opposing the motion of several East Chicago, IN residents to intervene in a settlement entered by the district court in 2014. The 2014 settlement provided funds that EPA has been using to perform cleanup activities at the USS Lead Superfund Site. The DOJ response argued that any delay to the remediation would endanger public health.

Mobile Sources Settlement Ratified: OECA's Office of Civil Enforcement entered into a consent agreement with refiner ATMI to resolve violations of Clean Air Act (CAA) fuel standards during the production of gasoline. (CAA Title II is a federal only program that aims to reduce emissions from mobile sources of air pollution that can lead to adverse health effects.) On June 8th, the Environmental Appeals Board ratified that agreement and issue a final order, under which ATMI paid a civil penalty.

Concurrence on SDWA Orders: On June 9th, OECA concurred on Region 8's issuance of administrative compliance orders to the Ute Indian Tribe for Safe Drinking Water Act violations at two of its public water systems. The orders would require the Tribe to correct several significant deficiencies involving the integrity of water storage tanks at both systems. Agency guidance requires OECA AA concurrence before a Region can issue unilateral orders against a tribal facility. The order will be issued by Region 8 this week.

Outreach on Pest Management Projects: On June 14th, OECA's NEPA team conducted with OCSPP's Office of Pesticide Programs a staff-to-staff outreach event at the Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) headquarters. The event focused on best practices and opportunities for early collaboration in the review of environmental assessments and impact statements (EIS) for national pest and invasive species management projects, aimed at reducing overall project cycle time and improving agency relationships.

Region 8 State Superfund Directors' Meeting: The Office of Site Remediation Enforcement and Federal Facilities Enforcement Office attended the Region 8 State Superfund Directors' meeting in Butte Montana. The dialogue included discussions about work planning and work sharing as well as collaboration on redeveloping blighted non-NPL Superfund sites.

Last Week's Highlights

General Services Administration (GSA) Co-Location Hosting Initiative

- **Brief description:** For a few years, EPA's National Computer Center (NCC) has been advertising co-location hosting services to external federal organizations deemed to be a good fit. As a result, NCC's focused efforts secured a relatively significant portion of hosting business from GSA in September 2016, which kicked off Phase 1 of the co-location hosting initiative.
 - Phase 1 of the initiative was completed in May 2017, and GSA equipment was successfully moved to NCC's data center.
 - This partnership is unparalleled in scope and magnitude throughout the history of the NCC.
- **Who benefits or cares:** All EPA employees and the GSA
 - Benefits of this endeavor are three-fold:
 - Assists EPA with optimal utilization of unused data center floor space in a manner that complies with the Federal CIO's Data Center Optimization Initiative (DCOI).
 - Aids with defraying costs to agency WCF customers for maintaining the NCC data center facility.
 - Deployment of GSA co-location produces standardized documentation and processes that will be used for future hosting engagements and promotes the NCC data center as an OMB Interagency Shared Services Provider.
- **Why this is important:** Phase 1 of this recent initiative represents exceptional marketing of EPA's National Computer Center (NCC) facility attributes, as well as demonstration of value in delivery of key data center services.
- **Additional information:**
 - EPA provides this service on a cost-recovery basis.
 - GSA considered multiple options before selecting EPA as the provider of this service.
 - The deployment cost of Phase 1 was \$1.4 million with an estimated annual operations and maintenance fees of \$600K.
 - If Phase 2 is fully implemented, additional revenue of \$1.4 million for deployment and an estimated \$500K annual operations and maintenance expense will be charged.

Re-Negotiation of Dun & Bradstreet Contract Results in Significant Savings for the EPA

- **Brief description:** The Office of Environmental Information (OEI) recently re-negotiated the EPA's five-year contract with Dun & Bradstreet (D&B). Under the new terms and pricing for this financial data service contract, the EPA will save 42.6 percent in Fiscal Year (FY) 2018 and more than \$1.2 million over the following four years of the contract.
- **Who benefits or cares:** The EPA's program and regional offices that perform enforcement, economic and other analyses
- **Why this is important:** The savings will be passed on to customers of the Working Capital Fund (WCF) Enterprise Data Service who rely on D&B's financial data about publicly and privately held companies to perform enforcement, economic and other analyses.
- **Additional information:** The contract changes and associated cost savings were the result of efforts

by OEI and D&B to analyze customer usage during the first year of the contract and identify where reductions could be made without sacrificing overall service quality or availability.

Utah's NPDES e-Reporting Tool Application Latest to Achieve CROMERR Approval

- **Brief description:** OEI's Cross-Media Electronic Reporting Rule (CROMERR) Program approved the Utah Department of Environmental Quality's (UT DEQ) National Pollutant Discharge Elimination System (NPDES) e-Reporting Tool (also known as NeT).
- **Who benefits or cares:** EPA Region 8 managers and employees; co-regulators from states, tribes and territories; non-governmental organizations; and the public
- **Why this is important:** NeT is an EPA-developed reporting tool intended to support the electronic reporting goals of the final NPDES e-Reporting Rule.
- **Additional information:**
 - The EPA's [CROMERR](#) provides the legal framework for electronic reporting under the EPA's regulatory programs. Information about shared CROMERR services and functionality available for co-regulators can be found on the [Shared CROMERR Services reference webpage](#).
 - The UT DeQ approval is the most recent of 12 applications approved in 2017.

OGC Weekly Report for 06/15/17

Hot Issues

- OGC will welcome Erik Baptist as our newest Deputy General Counsel on Monday June 19th.

New Judicial Decisions

- The district court denied EPA's motion to stay proceeding in lawsuit challenging EPA's denial of Los Angeles Waterkeeper's petition asking EPA to use its residual designation authority under CWA 402(p) to require NPDES permits for stormwater discharges from various commercial, industrial, and institutional entities. EPA moved to stay because we believe the case should have been filed in the Court of Appeals. The district court noted that its decision not to stay this case may change depending on how the 9th Circuit decides it had jurisdiction.
- The Court of Federal Claims ruled from the bench to deny the United States' motion to dismiss a Fifth Amendment takings claim related to an order to stop the sale of a pesticide. AMVAC alleges the order was a Fifth Amendment taking and seeks just compensation of \$25 million. The judge determined the complaint was sufficient to alert the government to the plaintiffs' takings claim and demand for compensation and that there should be additional development of the facts of the case before a dispositive motion is granted.
- *[Administrator, Schwab & others recused. Contact Minoli with questions.]*

New Complaints Filed

- A pro se citizen suit was filed alleging, among other things, that EPA's failure to intervene in matters with respect to nine claims made by the defendants violated defendants' property rights, due process and equal protection.
- The Center for Biological Diversity filed a lawsuit alleging that the EPA has failed to perform a mandatory duty by not finding that California has failed to submit specific state implementation plan (SIP) elements for the 2008 ozone NAAQS for the Mojave Desert, Coachella Valley, and Sacramento Metro nonattainment areas.

Other Highlights from Last Week

- OGC, Region 3, OW, and DOJ developed a detailed Memorandum of Agreement with the State of West Virginia where the State committed to completing Total Maximum Daily Loads (TMDLs) for ionic pollution in over 450 waters. On Tuesday June 13, 2017, the Secretary of the West Virginia Department of the Environment and the Administrator signed the MOA. Based on the condition that the State complete the actions contained in the MOA, EPA approved the constructive submission of TMDLs from the State.
- The Department of Justice negotiated an agreement to limit discovery in the Federal Tort Claims Act litigation over the Flint water crisis. The agreement limits non-document discovery to limited-time depositions of the seven agency employees DOJ determined it needed to rely on to develop the facts necessary to support our eventual motion to dismiss.

Upcoming Public Events & Important Meetings in the Next Two Weeks

- 06/20 The Acting General Counsel and one or more of the Deputy General Counsels will attend a meeting of the Information Technology Industry (ITI) Council
- 06/22 OGC's Senior Management Team will welcome the Regional Counsels at our annual face-to-face meeting (if anyone is interested in meeting/introducing yourself to the group or a particular Regional Counsel, please send me [Kevin Minoli] an email and we will arrange it)

Upcoming Major Deadlines in the Next Two Weeks

- 06/16 EPA's Reply Brief is due in *Upper Missouri Waterkeeper v. EPA*, a challenge to EPA's approval of MT variance for nutrients
- 06/19 Answer is due in *Bill Green v. EPA*, a case where the plaintiff alleges the EPA failed to respond to a petition requesting that the Administrator object to the Title V operating permit for the US Department of Energy Hanford Site
- 06/19 Answer is due in *NRDC v. EPA*, a FOIA litigation concerning four unrelated FOIA requests submitted by the Natural Resources Defense Council (NRDC) that sought records related to (1) a February 17, 2016 press release titled, "Job Creators, American Energy Producers, Farmers and Elected Officials Cheer Scott Pruitt's Ascension to EPA Administrator"; (2) Administrator Pruitt's involvement in two filings the 6th Circuit Clean Water Rule case and the U.S. Supreme Court, which notified the courts about the recent Executive Order regarding the Clean Water Rule, and whether he sought a waiver from EPA's ethics officer; (3) Administrator Pruitt's involvement in any other litigation or particular matter where EPA and Oklahoma are specific parties; and (4) any memorandum related to Administrator Pruitt's radio statement referring to stopping the practice of "sue and settle."

- 06/19 EPA will reply in support of its Motion for Summary Judgment on APA, CWA, and First Amendment (retaliation) claims in *Foster v. EPA*
- 06/21 EPA will reply to Valero's Response to EPA Motion to Dismiss in *Valero Energy Corporation v. EPA*, a case regarding EPA's alleged failure to perform non-discretionary duties which relate to defining the obligated party for the RFS program
- 06/26 The Government's Opposition to Plaintiffs' Motion for Summary Judgment is due in *Public Citizen v. Trump et al.* where plaintiffs' allege that EO 13771 violates: (i) separation of powers, (ii) the "take care" clause, and (iii) existing statutory directives by requiring ultra vires considerations in rulemakings; moreover, plaintiffs also allege that the OMB guidance is arbitrary and capricious
- 06/26 Motion to Govern Further Proceedings due in *Federal Water Quality Coalition v. EPA*, a case challenging EPA's final Great Lakes Initiative rule, issued in 2000; case has been held in abeyance to allow for settlement discussions
- 06/28 Motion to Govern Further Proceedings due in *Biogenic CO2 Coalition v. EPA*, a case challenging the EPA's endangerment finding for GHG from aircrafts
- 06/28 EPA's Response to EIP's Motion for Summary Judgment is due in *EIP, et al. v. Pruitt*, a CAA Title V deadline suit alleging failure to respond to petition to object to Title V Petition
- 06/28 Answer is due in *Center for Biological Diversity v. EPA*, a case concerning two FOIA requests submitted to EPA in February 2017 requesting (1) all correspondence to or from Scott Pruitt, and (2) all calendars, schedules and travel itineraries for Scott Pruitt; EPA declined to process the first request as improper, for failing to describe the requested records and because the request would be unduly burdensome
- 06/28 The Administrative Record is due in *Pineros y Campesinos Unidos, et al v. EPA*, a challenge to EPA's deferral of the effective date for the pesticide applicator rule
- 06/28 Hearing in *Upper Missouri Waterkeeper v. EPA*, a challenge to EPA's approval of MT variance for nutrients
- 06/30 Response to petitions to object to Title V permits for Duke Energy Progress' Asheville and Roxboro power plants in North Carolina is due in *Sierra Club v. Pruitt*
- 06/30 Sign a notice of proposed rulemaking to approve a regional haze SIP or promulgate a regional haze FIP for Louisiana in *Sierra Club v. Pruitt*, a complaint alleging the EPA failed

to perform a non-discretionary duty to promulgate a FIP within two years of EPA's partial disapproval of Louisiana's Regional Haze SIP

06/30 EPA's Reply in Support of its Motion for Summary Judgment and Opposition to Plaintiff's Motion for Summary Judgment is due in *Energy & Environment Legal Institute (EELI) v. EPA*, a FOIA litigation concerning a request for information regarding EPA's registration of Enlist Duo

06/30 Joint Stay Ends in *Drummond Company, Inc. v. EPA*, a FOIA litigation involving three requests: (1) R4 request that sought records related to EPA's determination that plaintiff Drummond is a PRP at the 35th Ave Superfund Site; (2) R4 request that sought an NGO's petition for CERCLA preliminary assessment in Tarrant, AL.; and (3) HQ/OCR request that sought two Title VI civil rights complaints and related records

06/30 The Parties' proposed remedy is due in *NWEA v. EPA*

Office of International and Tribal Affairs

Hot Issues:

NAFTA Negotiations: The U.S. Trade Representative's Office (USTR) hosted an inter-agency meeting to discuss the North American Free Trade Agreement (NAFTA) negotiating process and related ongoing activities.

- The President notified Congress of his intent to re-negotiate the NAFTA on May 18, and this notification initiated a 90 day consultation period with Congress, which will terminate on August 16.
- During this period, comments are being solicited from the public and public hearings will be held. No negotiations are permitted to take place with NAFTA partners until the end of this 90 period.
- Environment and labor issues, as well as regulatory coherence, have been raised as priority elements of the negotiations. Issue specific teams will be assembled by USTR, with an eye towards developing US positions over the course of the summer.
- Trilateral negotiations on the modernization of NAFTA will likely commence in the latter part of August.

Upcoming Engagements:

- Administrator meeting with the Korean Ambassador to discuss Korea - EPA cooperation on June 19.
- Acting AA meeting with the Taipei Economic and Cultural Representative Office (TECRO) to discuss Taiwan – EPA cooperation on June 20.
- Commission for Environmental Cooperation (CEC) Council Session with Canada and Mexico on June 27-28.

Past Week Highlights

Indian Program Policy Council (IPPC) Meeting: OITA's DAA convened an Indian Program Policy Council meeting with the Acting DAAs and Acting DRAs to discuss EPA's national tribal programs and tribal issues in the regions.

- OW provided an update on the Treatment as a State (TAS) approval process and led a discussion about next steps as the process moves forward.
- OCFO provided an update on the current National Program Manager (NPM) Guidance dates and provided insight into the FY2018 Strategic Planning process.
- OITA provided an update on the Direct Implementation (DI) Assessment process which focuses on EPA's direct implementation of federal environmental programs in Indian Country.

U.S.-China Ten Year Framework (TYF) on Energy and Environment: EPA participated in the U.S.-China Ten Year Framework digital video conference on energy and environment cooperation which has led by the State Department and China's National Development and Reform Commission (NDRC).

- EPA and the Ministry of Environmental Protection (MEP) reported on accomplishments from the Action Plans for Clean Air, Clean Water, and Green Ports and Vessels.
- The TYF facilitates the exchange of information between the two countries on policies, best practices, and technologies to foster innovative energy and environmental solutions.

- Next year will be the final year of the current TYF agreement and both sides have agreed to discuss ways to continue this work beyond 2018.

OLEM Weekly Report, June 15, 2017

Hot Issues

1. **National Priorities List (NPL), Spring 2017 package of proposed sites and final sites.**
2. **CCR State Permit Program Guidance.**
3. **Gold King Mine Reimbursement Report to Congress.** We are finalizing a report to Congress on reimbursements to states, tribes, and local governments, as required by the final FY 2017 appropriations act's report language.
4. **Eagle Horizon Continuity of Operations (COOP) National Exercise.** On June 21, 2017, EPA Headquarters will participate in the annual Federal Emergency Management Agency (FEMA) National Continuity Program Exercise. Our Headquarters COOP Emergency Relocation Group (ERG) will be deploying to our continuity facility.
5. **All Appropriate Inquiries (AAI) Rule.** The signed proposed and direct final rules to amend the AAI rule to reference ASTM International's E2247-16 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property" and allow for its use to satisfy the statutory requirements for conducting all appropriate inquiries under CERCLA are with OP for Federal Register review.

Upcoming Public Events

1. **2017 Brownfields Conference.** OLEM submitted a request to the Administrator's Office for the Administrator to provide the keynote address at the 2017 Brownfields Conference on December 5, 2017, in Pittsburgh.
2. **Federal Green Challenge.** In late June, OLEM anticipates announcing the list of Federal Green Challenge award winners and their achievements from FY2016. There will be a total of six national award winners. The communications plan and list of awardees is currently being finalized.

Upcoming Major Decisions

1. **CERCLA 108(b) Financial Assurance Rulemaking.** We plan to meet w/the AO staff early next week.

Last Week Highlights

1. **Clean Air Act 112r Risk Management Program Rule.** The final rule to extend the RMP rule's effective date to February 19, 2019, was published in the Federal Register on June 14.

Office of Policy Weekly Report

Documents Submitted to the OFR During the Week of June 5, 2017

9956-83-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Minnesota
9957-10-OW	Effluent Limitations Guidelines and Standards for the Dental Category
9959-78-OCSP	Final Test Guideline; Product Performance Test Guidelines; OCSP 810.3900 Laboratory Product Performance Testing Methods for Bed Bug Pesticide Products; Notice of Availability
9961-80-OCSP	Isofetamid; Pesticide Tolerances
9961-95-OCSP	Spirotetramat; Pesticide Tolerances
9963-48-Region 4	Air Plan Approvals; TN; Prong 4–2010 NO ₂ , SO ₂ , and 2012 PM _{2.5} NAAQS
9963-55-OLEM	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Further Delay of Effective Date
9963-56-Region 9	Approval of California Air Plan Revisions, Placer County Air Pollution Control District
9963-68-ORD	Human Studies Review Board; Notification of Public Meetings
9961-19-Region 3	Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Update to Materials Incorporated by Reference
9962-57-Region 9	Revisions to the California State Implementation Plan; Imperial County Air Pollution Control District; Stationary Sources Permits
9961-68-OCSP	Cumene Sulfonic Acid and its Ammonium, Calcium, Magnesium, Potassium, Sodium and Zinc salts; Exemption from the Requirement of a Tolerance
9962-48-Region 6	Approval and Promulgation of Implementation Plans; Texas; Clean Air Act Requirements for Vehicle Inspection and Maintenance and Nonattainment New Source Review
9962-49-Region 6	Approval and Promulgation of Implementation Plans; Texas; Clean Air Act Requirements for Vehicle Inspection and Maintenance and Nonattainment New Source Review
9962-75-Region 6	Approval and Promulgation of Implementation Plans; New Mexico; Regional Haze Progress Report State Implementation Plan
9958-61-Region 6	Approval and Promulgation of Air Quality Implementation Plans; Oklahoma; Infrastructure and Interstate Transport for the 2012 Fine Particulate Matter Standard

9963-65-Region 10	Approval and Promulgation of Implementation Plans; AK: Adoption Updates and Rule Revisions
9962-55-Region 9	Conditional Approval of Revision to the California State Implementation Plan; Imperial County Air Pollution Control District; Stationary Sources Permits
9962-54-Region 9	Approval and Promulgation of Implementation Plans; State of California; Coachella Valley; Attainment Plan for 1997 8-Hour Ozone Standards
9962-52-OGC	Proposed Settlement Agreement, Clean Air Act Petition for Review; Reopening of Comment Period
9963-37-OA	Meetings of the Local Government Advisory Committee and the Small Communities Advisory Subcommittee (SCAS)
9962-33-Region 6	Approval and Promulgation of Implementation Plans; Texas; Control of Air Pollution from Motor Vehicles with Mobile Source Incentive Programs
9962-47-Region 6	Approval and Promulgation of Implementation Plans; Texas; Control of Air Pollution from Motor Vehicles with Mobile Source Incentive Programs
9961-13-OCSP	Pesticide Product Registration; Receipt of Application for New Active Ingredient
9962-22-Region 6	Approval and Promulgation of Implementation Plans; Texas; Revisions to the General Definitions for Texas Air Quality Rules
9962-23-Region 6	Approval and Promulgation of Implementation Plans; Texas; Revisions to the General Definitions for Texas Air Quality Rules
9962-32-Region 6	Approval and Promulgation of Implementation Plans; Texas; Revisions to Emissions Banking and Trading Programs for Area and Mobile Sources
9961-15-OCSP	Pesticide Product Registration; Receipt of Applications for New Uses
9961-29-OCSP	Triclopyr; Pesticide Tolerances for Emergency Exemptions
9961-71-OCSP	Certain New Chemicals; Receipt and Status Information for March 2017
9961-90-OCSP	Receipt of Two Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities
9961-14-OCSP	Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities
9961-53-OCSP	Pesticide Experimental Use Permit; Receipt of Application; Comment Request
9956-78-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Vermont
9957-33-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Louisiana

9963-61-Region 10	Attainment Date Extensions for the Logan, Utah-Idaho 24-Hour Fine Particulate Matter Nonattainment Area
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9961-14-OCSP	Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities
9961-53-OCSP	Pesticide Experimental Use Permit; Receipt of Application; Comment Request
9956-78-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Vermont
9957-33-OEI	Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Louisiana
9963-61-Region 10	Attainment Date Extensions for the Logan, Utah-Idaho 24-Hour Fine Particulate Matter Nonattainment Area

Office of Research and Development Weekly Report

This week ORD's Bruce Rodan participated in the State Environmental Health Directors 10th Annual Meeting organized by the Association of State and Territorial Health Officials (ASTHO). ORD presented on state research priorities and collaborative efforts with ASTHO and ECOS on environmental health initiatives. Thirty states attended, as well as the Centers for Disease Control and Prevention and several NGO partners. The meeting identified opportunities and strategies to strengthen state-EPA environmental health partnerships and help build state-level environmental health capacity.

Hot issues

National Academy of Sciences STAR Report release

Today, the National Academies of Sciences (NAS) is releasing a final report on its review of EPA's Science to Achieve Results (STAR) grants program. Findings and recommendations include:

- EPA has high-quality procedures for priority setting that allow STAR to be integrated within EPA's research program.
- STAR's procedures to develop funding announcements and award grants ensure that the program sponsors research of high scientific merit.
- EPA should continue to use its procedures for strategic planning and for setting priorities for STAR research. However, EPA should consider developing a mechanism to allow public input to the STAR research agenda or the submission of unsolicited proposals.
- The STAR program should maintain the procedures that it has in place. However, it should provide comments to applicants whose applications were not awarded because of lack of relevance so that they can improve their ability to prepare future grant proposals.

NAS leads provided a briefing on the report details to ORD and the Senate Energy and Environment Budget Committee and Senate Environment and Public Works Committee yesterday.

Village Green Station-Houston Ribbon Cutting

The Village Green project is a community-based activity demonstrating the capabilities of new real-time monitoring technology and sharing these data with residents and citizen scientists to increase public knowledge of local air quality. On June 15th, the newest site, a 3rd generation of the Village Green station, will be unveiled at the John P. McGovern Museum of Health & Medical Science (The Health Museum) in Houston, TX. In addition to measuring ozone, PM_{2.5}, and meteorological conditions (e.g., wind speed, temperature, humidity), this station is piloting three new sensors to detect and measure black carbon, nitrogen dioxide (NO₂) and total volatile organic compounds (tVOCs). Houston is the 8th U.S. location selected for the Village Green Project joining stations located in Durham, NC (South Regional Library); Washington DC (Smithsonian's National Zoo); Philadelphia (Independence National Historical Park); Oklahoma City, (Myriad Botanical Gardens); Kansas City (South Branch Public Library); Hartford (Connecticut Science Museum); and Chicago, IL (Jane Addams Elementary School).

Community Multi-Scale Air Quality web site

On June 30th, the latest version of the Community Multi-Scale Air Quality (CMAQ) Modeling System (CMAQv5.2) will be released. CMAQ is a computational tool used for air quality management that simultaneously models multiple air pollutants to help air quality managers determine the best air quality management strategies. The major new features of CMAQ in version 5.2 include new treatment of organic aerosols, a new windblown dust model, and a new gas-phase chemical mechanism. The CMAQ team will also announce the tool's new website. The site is set to make this valuable tool more accessible for U.S. air quality managers and anyone else interested in air quality modeling.

Region 4 reaches out to ORD about GenX analyses

In November 2016, Environmental Science and Technology Letters published an ORD article, *[Legacy and Emerging Perfluoroalkyl Substances Are Important Drinking Water Contaminants in the Cape Fear River Watershed of North Carolina](#)*. This article describes a study investigating the occurrence of new types of polyfluoroalkyl substances (PFAS) in surface water and finished drinking water from North Carolina's Cape Fear River. This article recently has garnered interest from news media and several articles (e.g., See [1](#), [2](#), [3](#), [4](#), [5](#)) and press inquiries have followed. Region 4 has contacted ORD to inquire about the methods used to analyze the PFAS, GenX, in this study. ORD will be working with Region 4 to answer analytical questions and, if needed, analyze additional samples.

Upcoming public events

Tribal Science Council

On June 19-23, The Tribal Science Council, in coordination with [EPA's Regional Tribal Operations Committee](#), will hold its summer business meeting in Rapid City, SD. The Oglala Sioux Tribe is hosting the meeting. Topics will include priority solid waste issues affecting tribes in Region 8 and a panel discussion on Children's Health and Lead.

EPA Tools and Resources webinar

On June 21, ORD will host its monthly webinar for representatives of state environmental and health agencies, tribes and other stakeholders on the public health impact of wildfire smoke emissions. This [webinar](#) will highlight recent updates to the Wildfire Smoke Guide, and feature Smoke Sense, a mobile application that gets air quality information to people impacted by wildfire smoke and provides guidance to protect against smoke exposure.

ORD Meeting with Unilever

June 24-29, ORD scientists will meet with Unilever's Safety and Environmental Assurance Center staff to discuss the cooperative research project underway to evaluate new approaches for assessing the risk of chemicals. EPA and Unilever have developed a series of case studies based on five chemicals of mutual interest. If successful, research from this collaboration will result in better ways to evaluate the potential

health effects of new ingredients and chemicals we currently know little about. These methods could be used by both industry and governmental agencies to reduce the costs associated with safety testing and ultimately address the thousands of untested chemicals in our environment.

Collaborative oil spill field experiment in Gulf of Mexico, Venice, LA

June 26-30, ORD will participate in a field experiment to test oil plume and slick monitoring tools in the Gulf of Mexico. This is a collaborative effort with National Oceanic and Atmospheric Administration, Department of Interior – Bureau of Safety and Environmental Enforcement, the Gulf of Mexico Research Initiative, and Woods Hole Oceanographic Institution. Agencies and partners are using a chronic oil slick in the northern Gulf to test satellite, aerial, and in situ monitoring approaches to estimate slick thickness and track plume and slick movement.

Advanced Septic System Nitrogen Sensor Challenge

On June 29, 2017, ORD will attend and speak at the Advanced Septic System Nitrogen Sensor Challenge Showcase Day at Region 2. Phase 1 of the Septic System challenge was an extensive collaboration with states, academia and the Nature Conservancy that advanced the development of a low cost sensor to monitor the functioning of septic systems. The Showcase is the opportunity to announce the winners of the Septic System Sensor Challenge and to launch the Phase 2 of the challenge.

Last week Highlights

Tool Developed by ORD Helps Manage Water Flow

An easy-to-use, Excel-based Rapid Benefits Indicators Tool recently received the imprimatur of the World Business Council for Sustainable Development. The publicly available tool provides a step-by-step worksheet for evaluating potential benefits of geographically defined projects, such as reduced flooding, enhanced scenic views, recreational bird watching, and environmental education.

Hundreds Attend Duluth Celebration

Last Wednesday's 50th Anniversary Celebration of ORD's Mid-Continent Ecology Division prompted record public attendance. More than 400 visitors met with scientists, took part in tours and hands-on science activities, and witnessed a rededication ceremony. The event was commemorated by a special proclamation from the Mayor of Duluth and a letter from a U.S. Senator.

Toxicity of PCBs Meeting

On June 7, ORD, Region 2 and leaders of the Saint Regis Mohawk Tribe met regarding the toxicity of polychlorinated biphenyls (PCBs), specifically in the context of the tribe's exposure to PCBs and the impacts that those exposures have had on their community located in upstate New York. ORD's presentation described the IRIS process for evaluating the non-cancer toxicity of PCBs, including the role of systematic

review and available approaches for addressing health risk from PCB inhalation. Ken Jock from Saint Regis Mohawk Tribe Environment and Tribal Council Chief Beverly Cook found the discussions at the meeting “very useful”. Region 2 also thanked ORD and characterized the presentation as excellent and “a thoughtful approach that really resonated with the tribal leaders”.

Tire Crumb

On June 12, 2017, the [*Federal Register*](#) Notice for the Information Collection Request for the Tire Crumb Exposure Characterization Study was published. This begins a 30-day public comment period, as well as review by the Office of Management and Budget. Once the OMB review is complete, the field work can begin. This activity is part of the Federal Research Action Plan on Tire Crumb, which is being co-led by EPA, the Centers for Disease Control and Prevention/Agency for Toxic Substances and Disease Registry, and the Consumer Product Safety Commission.

Superfund Technical Support

ORD’s Engineering Technical Support Center is working with Region 7 to review a removal action design to manage surface water at the [Big River Mine Tailings/St. Joe Minerals Corp. Superfund site](#) near St Louis, MO. The design, developed by the potentially responsible party (PRP), is intended to reduce surface water discharge through a mine tailings impoundment at the site. ORD’s Groundwater Technical Support Center is also reviewing a PRP-design for remediation of the Chamberlain Manufacturing RCRA Corrective Action site in Iowa where decades of industrial activity have contaminated soil and groundwater.

OW Weekly Report

Hot Issues

WIFIA: This week, OP transmitted the final WIFIA fee rule for Administrator signature. The rule promulgates EPA's statutory authority to charge fees to recover all or a portion of the Agency's costs of retaining expert firms, including legal, engineering, and financial services as part of providing credit assistance. EPA is finalizing a structure for charging an initial application fee, credit processing fee, and servicing fee. This is an important next step in the implementation of the program.

In addition, next week OW will begin the process of selecting projects to be invited to submit applications for WIFIA financing. We are targeting July 10 for the selection of projects, 90 days from the deadline met for the submission of letters of interest. Meeting this target is important to demonstrate this new program is a reliable financing option.

Waters of the U.S.: This week, we received OMB passback on the draft economic analysis for the step 1 rule and anticipate responding to OMB's comments as well as providing an updated preamble by tomorrow. We also continued to meet with state and local government associations and tribes this week, including participating in a listening session on the 14th at the National Congress of the American Indian conference in support of our tribal consultation.

Next week, comments for federalism and tribal consultation will close for step 2. In addition, OMB has scheduled one more 12866 meeting on June 20th for the step 1 proposal with the American Petroleum Institute.

Puerto Rico SRF: This week, we participated on a call with the PR SRFs, Department of Health, PR Environmental Quality Board, and Puerto Rico Financing Authority to discuss payment and terms for extending the current forbearance for 6 months. The SRFs will discuss with their senior management the proposed terms for extending the forbearance. The current forbearance agreement ends June 30. We also received an initial counter proposal on restructuring debt from PRASA and are coordinating response with USDA.

MS4 Compendium: The week of June 26, we anticipate releasing the recently completed Part 3 in our series of Municipal Separate Storm Sewer System (MS4) permit compendia, which is an update from an existing document. These compendia are developed from excerpts from existing MS4 permits to provide examples of permit language for state and EPA stormwater permitting authorities. To develop the compendia, EPA reviewed all state and EPA-issued individual and general small MS4 final permits issued up to January 2017 and compiled examples of permit language in three areas: Part 1: Six Minimum Control Measure Provisions; Part 2: Post Construction Standards and Part 3: Water Quality-Based Requirements.

Upcoming Public Events

NAFSMA Flood & Stormwater Management 2017: The week of June 26, I will speak at the National Association of Flood & Stormwater Management Agencies, Flood & Stormwater Management Conference as a panelist on the Federal Water Resources Perspectives & Dialogue session.

One Water Summit: The week of June 26, OW will participate in the One Water Summit, joining other stakeholders including utilities, environmental groups, and community leaders to discuss water sector stewardship, challenges and issues. Coordinated by the US Water Alliance, the conference will provide a

